IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION F NO.4502 OF 2004
IN
FIRST APPEAL NO.1446 OF 2004

The Managing Director,
MSWHC, pune.. .. Applicant
Vs
1. Harilal Bhila Asmar & Anr. .. Respondents
Mr A.V.Chatuphale, for the applicant.
Mr P.N.Joshri, for the respondents.

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ.

DATE : MARCH 15, 2005.

P.C.

1. Heard the learned counsel for the parties.

2. This application has been filed by challenging the Award passed by the learned Ad-hoc Additional District Judge, Malegaon dated 6.9.2004 in Land Reference No.2 of 2004 (Old Land Reference No.169/94). The land has been acquired by the Government of Maharashtra. However, the applicant -Maharashtra State Warehousing Corporation, Pune is an acquiring body and, therefore, ultimately the amount of compensation, as fixed by the Collector and/or as enhanced by the Reference Court, is to be paid by the applicant. By the impugned Award, the amount has been enhanced. We need not go into the

details of calculation but it is submitted across the Bar that the amount as per the decree may go more than one crore rupees and stay in respect of the same amount is being prayed. As it is a money decree and the property of the respondents has been acquired for the project of the applicant long back, we find it inappropriate to stay the execution of the said Award in toto. In fact, we find, taking into consideration the present day interest rate in the market, that it is in the interest of the applicant to deposit the said amount in this Court instead of getting stay to the said amount. Since, the amount is huge amount, we find it appropriate to direct the applicant to deposit the said amount in this Court within 12 weeks and, therefore, we pass the following order.

3. The applicant is, hereby, directed to deposit the total decreetal amount in this Court within a period of 12 weeks from today and the stay will operate for a period of 12 weeks only. However, if within 12 weeks the amount is not deposited in this Court, it will be open to the respondents to proceed further for the execution of the Award. If the amount is deposited in this Court, as directed above, the question of release of the said amount will be considered by this Court on a separate application

filed by the respondents claiming withdrawal of the said amount.

4. The civil application is disposed of.

(D.B.Bhosale, J.) **(S.B.MHASE, J.)**

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